

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

Plaintiff

vs

Civil Action No. 05-178 Erie

CHARLES G MOON AND
MARY ROBBIN MOON,

Defendants

MOTION UPON DEFAULT FOR JUDGMENT IN MORTGAGE FORECLOSURE AS TO
DEFENDANTS CHARLES G. MOON AND MARY ROBBIN MOON

AND NOW comes the United States of America, by its attorneys, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania and The Bernstein Law Firm, P C and pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, respectfully moves the Court upon default of Defendant to enter a judgment in mortgage foreclosure and for deficiency judgment in favor of Plaintiff and against Defendants, Charles G. Moon and Mary Robbin Moon. In further support of its Motion, Plaintiff respectfully avers as follows:

1. On June 10, 2005, Plaintiff filed a Complaint in Mortgage Foreclosure and Deficiency Judgment, against Defendants.
2. On June 13, 2005, Defendants were mailed a copy of the Complaint and Notice of Lawsuit and Request for Waiver of Service of Summons.
3. Defendants failed to return signed Waivers of Service of Summons.
4. Plaintiff attempted service as to Defendants, Charles G. Moon and Mary Robbin Moon, through the U S Marshal's office on July 19, 2005.
5. The U S. Marshal's office returned an unexecuted return of service stating that after several attempts at service and notices left, Defendants refused to respond.
6. Plaintiff simultaneously filed its Motion for Enlargement and Motion for Alternate Service which were granted on October 21, 2005.

7. Plaintiff attempted service through the U.S. Marshal's Office on November 19, 2005 by posting the property as per this court's order dated October 21, 2005.
8. The U.S. Marshal's Office returned and executed return of service stating that the property was posted on December 15, 2005.
9. Defendants, Charles G. Moon and Mary Robbin Moon, have not answered or asserted any defense in this action as provided by the Federal Rules of Civil Procedure.
10. To the best of Plaintiff's knowledge, information and belief, Charles G. Moon and Mary Robbin Moon are not infants, incompetent, or in the military service of the United States of America.
11. In light of the Defendant's failure to answer or assert a defense as provided by the Federal Rules of Civil Procedure, Plaintiff filed with the Court a Request for Entry of Default in accordance with Rule 55(a) of the Federal Rules of Civil Procedure.
12. The amounts due Plaintiff from Defendants, Charles G. Moon and Mary Robbin Moon, are as follows;

(a) Principal and Advances	\$12,862.79
(b) Interest to September 30, 2004	\$ 1,310.75
(c) Interest from October 1, 2004 through February 1, 2006	
At the daily rate of \$4.10	\$ 2,004.90
Total	\$16,178.44


together with interest at 12.0% per annum to the date of Judgment, plus interest accruing from the date of Judgment at the legal rate and costs.

WHEREFORE, Plaintiff, the United States of America, respectfully request the Court:

- a. Grant Plaintiff's Motion and, accordingly, enter Judgment against Defendant;
- b. That the Plaintiff be paid the amount adjudged to be due and owing Plaintiff, with interest thereon to the time of such payment, together with costs and expenses incurred by this action and by any sale of the subject property;

- c. Expose the subject property to sale for the purpose of satisfying Plaintiffs' Judgment; and
- d. Grant Plaintiff such other and further relief as the Court deems just and proper

Respectfully submitted,
MARY BETH BUCHANAN
United States Attorney,



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Pittsburgh, PA 15219

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UNITED STATES OF AMERICA,

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Civil No : 05-178 Erie

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CHARLES G. MOON AND
MARY ROBBIN MOON,

Defendants,


CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion Upon Default for Judgment in Mortgage Foreclosure was served on the following parties on the 1 day of FEB,

2005, by U.S., First-Class Mail

Charles G. Moon
3 Oak Grove Street
Oil City, PA 16301

Mary Robbin Moon
3 Oak Grove Street
Oil City, PA 16301



LORI A GIBSON
PA ID NO: 68013